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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Case No. 3:21-mj-00217

Plaintiff,

v.

**UNOPPOSED MOTION TO
CONTINUE ARRAIGNMENT**

KEVIN ROBERT MCCARTY,

Defendant.

Defendant Kevin McCarty, through his attorney, Robert Hamilton, moves this Court to continue the arraignment in the above-entitled case, which is presently scheduled for November 4, 2022, for a period of approximately 30 days to December 5, 2022, or a date thereafter convenient to the Court. This motion is based on the need to conduct pre-indictment investigation and negotiations. The parties will be asking for assignment to an Article III judge for arraignment on an Information and a change of plea.

Four prior continuances have been sought by the defense. I have contacted Assistant United States Attorney Gary Sussman and he has no objection to the requested continuance.

This continuance constitutes excludable delay to December 5, 2022, pursuant to Title 18, United States Code, Section 3161(h)(7)(A). The ends of justice served by granting this motion outweigh the best interests of the public and Mr. McCarty in a speedy trial because the additional time is necessary to afford defense counsel sufficient time to complete discovery, investigate the case, conduct research, negotiate settlement terms with the government, and consult with Mr. McCarty. Mr. McCarty acknowledges his right to a speedy trial under the Speedy Trial Act, including his right to be indicted within 30 days of his first appearance, and agrees that this motion will result in excludable delay under the Act.

Respectfully submitted on November 4, 2022.

/s/ Robert Hamilton

Robert Hamilton
Attorney for Defendant